

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

LANCE SANDIFER,

Plaintiff,

v.

ASHLEY SPARKS, et al.,

Defendants.

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Case No. 1:13-cv-00138

Chief Judge Haynes


O R D E R

Before the Court is the Defendant Jason Woodall's motion to dismiss this action, under Fed. R. Civ. P. 12, for failure to state a claim upon which relief can be granted (Docket Entry No. 11). To date, Plaintiff has not filed any opposition to this motion. Plaintiff's complaint alleges that Defendant Woodall concurred in the Warden's response to his grievance and did not take any action against the Defendant Ashley Sparks. (Docket Entry No. 1, Complaint, at 5).

In this Circuit, knowledge of a prisoner's grievance and failure to respond or remedy the complaint is insufficient to impose liability upon supervisory personnel under 42 U.S.C. § 1983. Henry v. Pogats, 35 F.3d 565 (6th Cir. 1994). A supervisor's mere failure to act is not grounds for Section 1983 liability. Bellamy v. Bradley, 729 F.2d 416, 421 (6th Cir. 1984). Thus, the Defendant Woodall's motion is **GRANTED** and Plaintiff's claims against the Defendant Jason Woodall are **DISMISSED with prejudice**.

It is so **ORDERED**.

ENTERED this the 19th day of February, 2014.


WILLIAM L. HAYNES, JR.
Chief Judge
United States District Court